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ICAO COMPLETES FACT-FINDING INVESTIGATION

MONTREAL, June 1993 - The International Civil Aviation Organization (ICAO) has released a report on the completion of the fact-finding investigation into the shooting down of a Korean Air Lines Boeing 747 on 31 August 1983. The investigation was resumed in December 1992 following the emergence of new evidence, including hand-over of the original flight recorder tapes by the Russian Federation.

On Monday 14 June the ICAO Council adopted a resolution closing the investigation of the crash of KAL Flight 007 (KE 007), which was en route to Seoul when it was shot down by an air-to-air missile, killing all 269 people on board. (A copy of the text of the resolution adopted by the Council is attached.)

The Council resolution appeals urgently to States to ratify the Article 3 *bis* of the Chicago Convention, which reaffirms the fundamental principle of general international law that States must refrain from resorting to the use of weapons against civil aircraft. It urges States to take all necessary measures to ensure the safety of air navigation of all civil aircraft in compliance with the relevant rules, standards and recommended practices enshrined in the Chicago Convention of 1944.

According to the report's main findings, the crew of the Boeing 747 activated an autopilot shortly after departure from Anchorage and turned to a heading of 245 degrees to comply with an air traffic control (ATC) clearance. KE 007 maintained a heading of 245 degrees from three minutes after lift-off until the interception over five hours later.

The maintenance of the constant magnetic heading and the resulting track deviation was due to the crew's failure to note that the autopilot had either been left in the heading mode or had been switched to the inertial navigation system (INS) when the aircraft was beyond range for the INS to capture the desired track, the report states.

KE 007 passed 12 nautical miles (NM) north of the Bethel VORTAC navigation aid and proceeded west with an increasing northerly deviation from the recognized airways system. KE 007 continued through the Alaskan Air Defence Identification Zone and Alaskan Air Command buffer zone. It was reported by representatives of the United States that no radar observations were made of a westbound aircraft north of route R20 and crossing the Alaskan identification zones.

In the area north-east of Kamchatka Peninsula, a U.S. intelligence aircraft, flying in close proximity to KE 007, resulted in confusion and the assumption by the USSR Air Defence that the aircraft proceeding towards the USSR was an RC-135. USSR military aircraft attempted to intercept KE 007 over Kamchatka Peninsula.

KE 007 then proceeded towards Sakhalin Island. The USSR Air Defence command centre personnel on Sakhalin Island were concerned with the identity and position of the intruder aircraft in relation to USSR sovereign airspace.

Exhaustive efforts to identify the aircraft were not made, although apparently some doubt remained regarding its identity. It was determined that the intercepting USSR aircraft did not comply with the ICAO standards and recommended practices related to the interception of civil aircraft before the attack on KE 007. No attempt was made by the USSR to contact the crew of KE 007 by radio, according to the report.

KE 007 was hit by at least one of two air-to-air missiles fired from a USSR SU-15 interceptor aircraft. There was substantial damage to KE 007 which affected the controllability of the aircraft and caused a loss of cabin pressure. The aircraft descended in a spiral and radar contact was lost at 5,000 metres. It could not be established whether the crew was able to maintain limited control. The aircraft was destroyed on impact with the sea.

There were no indications that the flight crew of KE 007 deliberately maintained a constant magnetic heading, the report concluded. The atmosphere on the flight deck of KE 007 was normal and relaxed and the crew was not aware of the presence of the USSR interceptor aircraft before or at the time of the attack.

Among the new evidence examined by the ICAO investigation team were the original tapes of the cockpit voice recorder (CVR) and digital flight data recorder (DFDR), recovered by the USSR in 1983 and turned over to ICAO in January 1993. Also made available by representatives of the Russian Federation were recordings and transcripts of the communications between the pilots of the intercepting fighter aircraft and their ground controllers as well as the communications between the command centres. The United States provided certified copies and transcripts of the tapes of communications with air traffic controllers at Anchorage, Alaska, and Japan made available air traffic control (ATC) tapes recorded in Tokyo.

In the course of the investigation, all practical steps were taken to confirm the authenticity of the communications tapes. The material on the communications tapes and the CVR and DFDR tapes showed no evidence of contradiction with known information and correlated well with other sources of data.

The CVR and DFDR records established that the aircraft did not sustain an extensive avionics or navigation systems failure or malfunction prior to the attack by the USSR fighter aircraft, the report states.

ICAO was created in 1944 to promote the safe and orderly development of civil aviation in the world. A specialized agency of the United Nations, it sets international standards and regulations necessary for the safety, security, efficiency and regularity of air transport and serves as the medium for cooperation in all fields of civil aviation among its 178 Contracting States.

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RESOLUTION ADOPTED BY THE COUNCIL OF THE
INTERNATIONAL CIVIL AVIATION ORGANIZATION
AT THE SEVENTH MEETING OF ITS 139TH SESSION ON 14 JUNE 1993

The Council of the International Civil Aviation Organization

Recalling the Resolutions adopted and the decisions taken on 16 September 1983 at the Extraordinary Session of the ICAO Council and endorsed by the 24th Session of the ICAO Assembly in October 1983 as well as the Council Resolutions of 13 December 1983 and 6 March 1984, and the Council decision of 18 December 1992, concerning the shooting down of Korean Air Lines Boeing 747 (Flight KE 007) on 31 August 1983;

Having considered the Report of the completion of the fact-finding investigation instituted by the Secretary General pursuant to the decision of the Council of 18 December 1992;

Recalling that the 25th Session (Extraordinary) of the Assembly in 1984 unanimously recognized the duty of States to refrain from the use of weapons against civil aircraft in flight;

Recognizing with appreciation the contribution of the Governments of Canada, France, Japan, the Republic of Korea, the Russian Federation and the United States, including making available experts, material and technical installations which facilitated the completion of the fact-finding investigation;

1. *Expresses* again its profound sympathy and condolences to the families bereaved in this tragic incident;

2. *Expresses* appreciation for the full co-operation extended to the fact-finding mission by the authorities of all States concerned;

3. *Expresses* appreciation to the Secretary General for the professionalism of the ICAO team and to the experts from the parties concerned;

4. *Requests* the Air Navigation Commission, in its continuing review of the technical Annexes to the Chicago Convention, to take into account the new facts contained in the Report, Addendum No. 1 and Information Papers Nos. 1 and 2 related to it;

5. *Appeals* again urgently to all Contracting States that have not yet done so to ratify, as soon as possible, the Protocol introducing Article 3 *bis* into the Convention on International Civil Aviation, which reaffirms the fundamental principle of general international law that States must refrain from resorting to the use of weapons against civil aircraft;

6. *Urges* States to take all necessary measures to safeguard the safety of air navigation of civil aircraft, in compliance with the relevant rules, Standards and Recommended Practices enshrined in the Chicago Convention and its Annexes;

7. *Decides* that the fact-finding investigation has been completed and that the Report of the completion of the fact-finding investigation regarding the shooting down of Korean Air Lines Boeing 747 (Flight KE 007) on 31 August 1983 in C-WP/9781 no longer has a restricted character.